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Board of Vocational Nursing  
and Psychiatric Technicians

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Attorneys for Complainant

**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN 2007-197

**ELOISA MARIE MOORE, a.k.a.  
ELOISA MARIE PHELPS**  
834 West Valencia Avenue  
Fresno, California 93706

**ACCUSATION**

Vocational Nurse License No. VN 201196

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

**PARTIES**

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

**License History**

2. On or about September 23, 2002, the Board issued Vocational Nurse License No. VN 201196 ("license") to Eloisa Marie Moore, also known as Eloisa Marie Phelps ("Respondent"). The license will expire on November 30, 2009.

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## JURISDICTION

3. Section 2875 of the Business and Professions Code ("Code") states, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing Practice Act:

4. Code section 118, subdivision (b), states, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

## STATUTORY PROVISIONS

5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)) for any of the following:

(a) Unprofessional conduct, . . .

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee.

6. Code section 2878.6 states, in pertinent part:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a licensed vocational nurse is deemed to be a conviction within the meaning of this article. . . irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty . . . , or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

## COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
2 and enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Criminal Convictions)**

5 8. Respondent has subjected her license to disciplinary action under Code  
6 section 2878, subdivision (f), in that Respondent was convicted of crimes substantially related to  
7 the qualifications, functions or duties of a vocational nurse, as follows:

8 a. On or about January 14, 2000, in the Superior Court of California, County  
9 of Fresno, in the case entitled *People of the State of California v. Eloisa Marie Moore* (Super. Ct.  
10 Fresno County, 1999, Case No. 632877-7), Respondent was convicted on her plea of nolo  
11 contendere of violating Penal Code section 476 (Possession of Fictitious/Fraudulent Checks), a  
12 misdemeanor.

13 b. On or about November 14, 2007, in the Superior Court of California,  
14 County of Fresno, in the case entitled *People of the State of California v. Eloisa Marie Moore,*  
15 *aka Eloisa Marie Phelps* (Super. Ct. Fresno County, 2005, Case No. F07904540), Respondent  
16 was convicted on her plea of nolo contendere of violating Penal Code section 487, subdivision  
17 (a) (Grand Theft of Personal Property), a misdemeanor. The circumstances of the crime are that  
18 on or about February 5, 2005, through October 25, 2005, Respondent did unlawfully take money  
19 and personal property of a value exceeding Four Hundred Dollars (\$400), to wit: State of  
20 California pay warrants, the property of In-Home Supportive Services.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Dishonesty)**

23 9. Respondent has subjected her license to disciplinary action under Code  
24 section 2878, subdivision (j), in that Respondent has committed acts of dishonesty which are  
25 related to the duties and functions of a vocational nurse, as set forth in paragraph 8, above.

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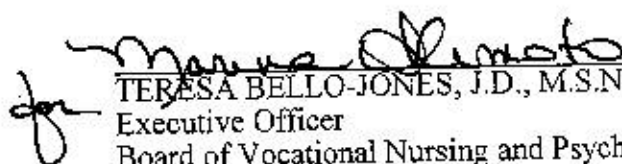
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Vocational Nurse License Number VN 201196 issued to Eloisa Marie Moore, also known as Eloisa Marie Phelps;
2. Ordering Eloisa Marie Moore, also known as Eloisa Marie Phelps, to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: March 13, 2009

  
TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
Complainant